

Appln. No. 10/046,508
Express Mail Cert. No. EV 043 619 272 US

Practitioner's Docket No. 36968.262345 (BS01239)



**EVIDENCE OF DEPOSIT OF ITEM(S)
WITH APPLICATION INDICATED AS OMITTED
IN THE "NOTICE OF OMITTED ITEMS"**

In connection with the "Notice of Omitted Items" dated April 2, 2002, applicant submits the following evidence that the item(s) indicated as omitted were in fact deposited with the P.T.O. on October 26, 2001, which is the original date on which the papers for this application were deposited:

a photocopy of the return post card showing thereon that the items indicated as omitted were in fact deposited.

According to MPEP § 503, “[a] postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all items listed thereon on the date stamped theron by the PTO.” As an example of a properly itemized postcard, §503 lists “the number of pages in the specification” and the “number of sheets of drawings”. The enclosed photocopy of the return postcard shows receipt of 14 sheets of specification (which would include pages 3 and 7) and 5 sheets of drawings (which would include figures 4 and 5). No items on the return postcard were crossed off. Therefore, Applicant respectfully requests that the application be accepted as complete.

36968.262345
CLTLIB01:680073.1

(Petition to Establish Prior Receipt in the PTO of Item(s) Considered as Omitted
by the PTO--Response to "Notice of Omitted Items"--page 3 of 3)



**POSTCARD ACKNOWLEDGEMENT OF RECEIPT OF
PAPERS BY PATENT AND TRADEMARK OFFICE**

The following papers were received in the U.S. Patent and Trademark Office:
Applicant: Darryl Moore, et al.

(b)

Title of Invention: POP-UP LAPTOP KEYBOARD

C/M#: 36968.262345 (BS01239) Serial No.: Unassigned

Filed: 10/26/01

- Patent Application Transmittal Letter (1 page)
- Specification (14 pages)
- Drawings (5 sheets)
- Declaration (3 pages)
- Recordation Form Cover Sheet (2 pages)
- Assignment (2 pages)
- Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i) – (1 page)
- Check for Utility Filing Fee & Extra Claims: \$1,028.00
- Check for Recordation Fee: \$40.00
- Certificate of Express Mail No. EL 836 758 620 US



PTO Attorney/Examiner: Unassigned

Date Mailed to PTO: 10/26/01

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision



TOTAL AMOUNT OF PAYMENT

(\$ 130)

Complete if Known	
Application Number	10/046,508
Filing Date	10/26/2001
First Named Inventor	Darryl Cynthia Moore
Examiner Name	Unassigned
Group / Art Unit	Unassigned
Attorney Docket No	36968 262345 (BS01239)

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Other None
Order

Deposit Account

Deposit
Account
Number

Kilpatrick Stockton LLP

Deposit
Account
Name

11-0855

The Commissioner is authorized to: (check all that apply)
 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee
 to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 0)

2. EXTRA CLAIM FEES

Total Claims	-20 **	=	0	X	Fee from below	=	0	Fee Paid
Independent Claims	-3 **	=	0	X		=	0	
Multiple Dependent				X		=	0	

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)

(\$ 0)

**or number previously paid, if greater, For Reissues, see above

3. ADDITIONAL FEES	
Large Entity Fee Code	Small Entity Fee Code
Fee (\$)	Fee (\$)
105	130
127	50
139	130
147	2,520
112	920*
113	1,840*
115	110
116	400
117	920
118	1,440
128	1,960
119	320
120	320
121	280
138	1,510
140	110
141	1,280
142	1,280
143	460
144	620
122	130
123	50
126	180
581	40
146	740
149	740
179	740
169	900

Fee Description

Fee Paid

Surcharge - late filing fee or oath
Surcharge - late provisional filing fee or cover sheet
Non-English specification
For filing a request for reexamination
Requesting publication of SIR prior to Examiner action
Requesting publication of SIR after Examiner action
Extension for reply within first month
Extension for reply within second month
Extension for reply within third month
Extension for reply within fourth month
Extension for reply within fifth month
Notice of Appeal
Filing a brief in support of an appeal
Request for oral hearing
Petition to institute a public use proceeding
Petition to revive - unavoidable
Petition to revive - unintentional
Utility issue fee (or reissue)
Design issue fee
Plant issue fee
Petitions to the Commissioner
Processing fee under 37 CFR 1.17(q)
Submission of Information Disclosure Stmt
Recording each patent assignment per property (times number of properties)
Filing a submission after final rejection (37 CFR § 1.129(a))
For each additional invention to be examined (37 CFR § 1.129(b))
Request for Continued Examination (RCE)
Request for expedited examination of a design application

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 130)

SUBMITTED BY

Name (Print/Type)	Jeffrey S. Bernard	Registration No	Attorney/Agent	50,020	Telephone	704/338-5063	Complete (if applicable)
Signature	<i>Jeffrey S. Bernard</i>				Date	April 23, 2002	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Assistant Commissioner for Patents, Washington, DC 20231.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/046,508	10/26/2001	Darryl Cynthia Moore	36968 262345 (BS01239)



John S. Pratt, Esq.
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CONFIRMATION NO. 3347
FORMALITIES LETTER



OC000000007769335

Date Mailed: 04/02/2002

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) **3 and 7** of the specification (description and claims).
- Figure(s) **4 and 5** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the

application.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE